



**BEFORE THE
FEDERAL MARITIME COMMISSION**

DOCKET NO. 13-05

**OCEAN TRANSPORTATION INTERMEDIARY LICENSING AND FINANCIAL
RESPONSIBILITY REQUIREMENTS, AND GENERAL DUTIES**

I am James Shapiro and I am Director of Thunderbolt Global Logistics. We are a freight forwarder and NVOCC with one office in Baltimore, MD. We have agents that work with us all over the world. Our OTI License number is 021287.

We are a member of the NCBFAA and I am on the NCBFAA's Transportation Committee. I am familiar with the issues raised by the NPRM and, I am very concerned about the issues raised by the NPRM.

I do not think the proposed regulation is required, especially for a small company like mine.

- 1. This is unnecessary because all OTIs are already required to keep the Commission informed of any changes in their corporate structure, officers and directors, and locations of their headquarters and branch offices. And, if so, the company has complied with that.*

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2. *Even if the information is provided online, a renewal process apparently means that someone at the agency will be required to review the data and then renew the licenses, but the Commission has neither the staff nor budget to handle the added burden of doing this every two years for all OTIs.*
3. *Assuming any additional regulation is really required for this, a much simpler way to ensure that the information is up to date would be to simply require a triennial reporting, rather than license renewal.*
4. *It is unclear whether any problems the company might have, such as claims by shippers or carriers or the pendency of some investigation by BOE, would jeopardize the license renewal. If so, that puts the company's license at inappropriate risk.]*

It is not appropriate for the Commission to require sureties to file with the FMC a list of any claims made to them that relate in any way to the transportation activities of a forwarder or NVOCC. Here are some reasons why it should move forward.

1. *Even if not published on the FMC's website, the release of this data, could be very damaging to the company, especially since those claims may have little or no merit.*

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2. *Even with a disclaimer that the Commission is not making any judgment about the veracity of the allegations, any release of this type of information could have an unfair, damaging effect on the company's reputation and would threaten its business and viability.*

We do not support proposed regulations relating to the advertising of your various third party vendors (such as truckers, consolidators, break bulk agents, etc.) and their advertising.

It is not clear which parties would be covered by the regulation; for example, we might engage any number of third parties to provide some of the services we contract to perform, such as drayage companies, warehouses, railroads, truckers, packing companies, breakbulk and loading agents and even steamship lines. Are they all covered by this advertising prohibition?

1. *Many breakbulk agents, sales agents and other types of companies providing a portion of the services for which we contract with our customers represent a number of OTIs but do not themselves actually book cargo or provide all of the functions of NVOCCs or forwarders. It would*

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therefore be very difficult, if not impossible, for them to obtain an OTI license or registration.

If the real problem the FMC is addressing relates to companies engaged in moving household goods in the so-called barrel trade, it is not clear why the Commission should be imposing these new regulations on regular, commercial OTIs.

The Commission should eliminate the requirement for branch offices of NVOCCs and ocean forwarders to have \$10,000 bonds for each office. Though it would not impact our company since we only have 1 office it would provide financial relief for many OTI's around the country.

The elimination of the separate branch office bonds would ease some of the burden on OTIs, as is otherwise necessary to continually amend bonds every time a branch office is added, subtracted or just moves. This can be a time-consuming process.

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We would like the commission to consider the following additional changes in our industry.

1. Total elimination of OTI rate tariff publication, so as to avoid any procedural requirements.
2. The elimination of the need for NVOCCs to file NVOCC Service Agreements (“NSAs”) or publish their essential terms.
3. The FMC should require the vessel operators to file their contingency plans with the Commission, which could be posted on the Commission’s website, so that the trade can be advised of those plans in the event there are severe weather or labor issues that could lead to significant service disruptions.
4. The Commission could work with the FMCSA to establish a common bond for OTIs and motor carrier property brokers, which would further reduce the financial burden on intermediaries.

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